

IN THE UNITED STATES DISTRICT COURT OF WESTERN DISTRICT OF EL
PASO DIVISION COUNTY
STATE OF TEXAS

2021 APR 20 PM 3:49

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY Fm
DEPUTY

BRANDON CALLIER

Petitioner/Plaintiff,

Vs.

SUMMIT HORIZON FINANCIAL
SERVICES LLC & MORRIS LOBE

Respondent/Defendant

EP21CV0023
JURY DEMAND
NO. _____

MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER

Pursuant to 1.140(f). R. Civ. P. 12(b)(1), 12(b)(6), files this Motion to Dismiss, Or, in the Alternative, to Transfer Venue on the basis that venue is improper in the Circuit Court of EL Paso County.

I.

The Complaint identifies the Plaintiffs as adult resident citizens of EL Paso County. Further, the Complaint represents that Summit Horizon Financial Services is located, with its principal place of business, at 537 South Scott Street Bainbridge Ga 39819. This is correct. Thus, Summit Horizon Financial Services is domiciled in Decatur County. The cause of action involves the alleged wrongful denial of benefits, which denial would have occurred in Decatur County at the domicile of Summit Horizon Financial Services.

Accordingly, pursuant to 28 U.S.C. Code Ann. Section 1404, venue is proper in Bainbridge, Georgia County, Decatur.

FACTUAL ALLEGATIONS

The number or numbers the plaintiff stating that called him is NOT a number register to Summit Horizon Financial Services. If plaintiff was ever in contact with Summit Horizon Financial Services. The plaintiff would have had to contact us and give their phone number which would give permission to call. Furthermore, if client received a call from Summit Horizon Financial Services they never stated that he/she was on a Do Not Call List upon answering a phone call. Instead plaintiff took call and acted as if they wanted services which would prompt any business to do a follow call to get back in touch with a potential customer. Unless specifically asked not to do so, a company may call a person on the Do Not Call list for up to 31 days after he or she has submitted an application or inquiry to that company. Summit Horizon Financial Services has not received any such inquiry from plaintiff nor contacted by Summit Horizon Financial Services. So we ask on this alone that this case be dismissed.

WHEREFORE, Summit Horizon Financial Services requests this Court to dismiss this action, or, in the alternative, to transfer this action to the Circuit Court of Decatur County on the basis of improper venue. Summit Horizon Financial Services further requests all additional relief the Court may deem proper.

DATED, this the 17th day of April, 2021.

Respectfully submitted,

Dated: 4/17/2021


Name: Morris Lobe
Title: Owner

Address: 537 S Scott St
Address:
City, State, Zip: Bainbridge, Ga 39819
Phone: 877-637-3233
Fax: 877-637-1353
E-Mail: morrislobe@summithorizon.com

CERTIFICATE OF SERVICE

I, Morris lobe, do hereby certify that I have this day
mailed, U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to _____
Brandon Callier, at the following address; 6336 Franldin Trail Drive El Paso Tx
79912.

THIS the 17th day of April, 20 21.

